

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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DONALD GROSS,

Plaintiff,

against

JAMES R. RAY,

ORDER ADOPTING MAGISTRATE  
REPORT AND RECOMMENDATION  
05-CV-2840 (JS) (MLO)

Defendant.  
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APPEARANCES:

For Plaintiff: Martin William Scherer, Esq.  
Carb, Luria, Cook & Kufeld LLP  
521 Fifth Avenue  
New York, New York 10175

For Defendant: No appearance

SEYBERT, District Judge:

Upon review of Magistrate Michael L. Orenstein's Report and Recommendation, dated January 26, 2006, to which no party has objected, the Court hereby ADOPTS the Report and Recommendation in its entirety.

SO ORDERED.

/s/ JOANNA SEYBERT

Joanna Seybert, U.S.D.J.

Dated: Central Islip, New York  
May 5, 2006